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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,692	10/16/2000	Eric Engstrom	112076-138342	3269

25943 7590 12/10/2004

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/690,692

Applicant(s)

ENGSTROM ET AL.

Examiner

Hussein A El-chanti

Art Unit

2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1-30.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The declaration filed on Sep. 21, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the (Chou, U.S. Patent No. 6,327,533) reference.

The evidence submitted is insufficient to establish a conception of the invention, diligence and reduction to practice prior to the effective date of the (Chou, U.S. Patent No. 6,327,533) reference. Items #8 and #9 submitted with the declaration have a filing date Oct. 15, 2000 and Oct. 16, 2000 respectively wherein the filing date of the reference is July 30, 2000. The additional references filed in the declaration do not have similar language or limitations to the claimed language and therefore the declaration filed on Sep. 21, 2004 is considered ineffective to overcome the prior art made of record.

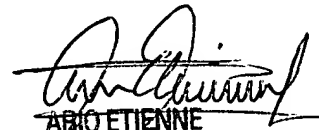
Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Chou does not teach submitting an identity of the user B) Chou does not teach selecting a recipient based in part on the user's identity

In response to A) Chou teaches a method of sending location information from a GPS enabled device to a remotely located server where authorized remotely located users can access the server and monitor the location and trajectory of the monitored device (see abstract).

Chou also teaches the monitored device sends location data where the data includes an object identifier (see col. 10 lines 49-67). There is no limitation in the claim on what the identity of the user is and therefore the object identifier can also be the user identity. Also the claim does not state that the "submitting the identity" is done in response to a user request and therefore the continuous reception of the location and identifier data meets the scope of the claimed limitation "submitting an identity of the user to a messaging server".

In response to B) Chou also teaches a list of authorized users that are authorized to access the position information of the monitored devices where only authorized users can view the position information of the monitored devices. The authorized users are interpreted to be the selected users (see col. 10 lines 27-45). There is no limitation on whether the location information is transmitted to the selected recipients in response to a user request and therefore the authorized users receiving the location information meets the scope of the claimed limitation "selecting a recipient to receive the user's current location".



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